

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CV-04-3033-LRS
)	
vs.)	
)	
\$57,716.77 U.S. CURRENCY FROM)	Final Order of
WASHINGTON MUTUAL BANK ACCOUNT ##)	Forfeiture
XXX-XXX737-9 and XXX-XXX893-3;)	
)	
Defendant.)	

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture In Rem, that the defendant property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 981.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The property to be forfeited as substitute res in lieu of forfeiture of the Defendant \$57,716.77 U.S. currency, consists of the following:

1. \$520.46 U.S. currency, the funds remaining after payment of restitution in the criminal case; and,
2. Volumes of Magic-"The Gathering" game cards seized on October 30, 2003.

On April 14, 2004, Mark E. Lande, was personally served with a copy of the Verified Complaint for Forfeiture In Rem and the

1 Notice of Complaint for Forfeiture in the above-entitled case by
2 the United States Marshals Service as evidenced by the USM-285
3 filed with the Court on April 30, 2004.

4 The Amended Notice of Complaint for Forfeiture was published
5 on April 16, 23, and 30, 2004, in the Daily Sun News, a newspaper
6 of general circulation in Yakima County, Washington, as evidenced
7 by the USM-285 form filed with the Court on May 4, 2004. Rule C of
8 the Supplemental Rules for Certain Admiralty and Maritime Claims,
9 Fed. R. Civ. P., and 18 U.S.C. § 983(a)(4)(A), require that
10 claimants file a claim within thirty (30) days after the final date
11 of publication of the Notice of Complaint for Forfeiture, or within
12 thirty (30) days after service of the complaint, whichever occurs
13 first. At the latest this 30-day period expired on May 31, 2004.

14 On May 12, 2004, Mark E. Lande filed a Claim for Property.

15 No other claims have been filed.

16 On August 18, 2005, Mark E. Lande and the United States
17 entered a Plea Agreement in United States v. Mark E. Lande,
18 criminal case number CR-05-2016-LRS, in which Lande agreed to the
19 forfeiture of \$520.46 U.S. currency, the funds remaining after
20 payment of restitution in the criminal case, and also the
21 forfeiture of Volumes of Magic-"The Gathering" game cards as
22 partial substitute res in lieu of forfeiture of the Defendant
23 \$57,716.77 U.S. Currency, the subject of this civil forfeiture
24 case.

25 In addition, on December 13, 2005, Mark E. Lande and the
26 United States filed a Stipulation to Withdraw Claim and a
27 Stipulation for Order of Forfeiture with the Court.

1 It appearing to the Court that Mark E. Lande's interest in the
2 Defendant \$57,716.77 U.S. currency has been resolved by the entry
3 of the Plea Agreement on August 18, 2005, in United States v. Mark
4 E. Lande, CR-05-2016-LRS, and the entry of the Stipulation to
5 Withdraw Claim and Stipulation for Order of Forfeiture on December
6 13, 2005;

7 It also appearing to the Court that no other claims have been
8 made;

9 It further appearing that the property is currently held by
10 the United States;

11 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the
12 \$520.46 U.S. currency, and the Volumes of Magic-"The Gathering"
13 game cards, are hereby forfeited to the United States of America,
14 as partial substitute res for the Defendant \$57,716.77 U.S.
15 currency, and no right, title, or interest shall exist in any other
16 person.

17 IT IS FURTHER ORDERED that the forfeited property shall be
18 disposed of in accordance with law by the United States Marshals
19 Service.

20 DATED this 14th day of December, 2005.

21
22 ***s/Lonny R. Suko***

23 Lonny R. Suko
United States District Court Judge

24 Presented by:

25 James A. McDevitt
United States Attorney

26 s/Jane Kirk

27 Jane Kirk
28 Assistant United States Attorney